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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,919

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Frank Hondmann

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EXAMINER

OREILLY, PATRICK F

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/539,919

Applicant(s)

HONDMANN ET AL.

Examiner

Patrick F. O'Reilly III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/13/2006; 1/25/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicant's amendment received on January 25, 2007.

#### *Information Disclosure Statement*

2. The supplemental information disclosure statements submitted on November 13, 2006 and January 25, 2007 are acknowledged. The submissions are in compliance with the provisions of 37 C.F.R. § 1.97 and 37 CFR § 1.98 and, therefore, the references therein have been considered.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 13-16 and 20-22** are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US 5,788,565). The specification and the drawings in the Chang reference disclose all of the elements recited in **claims 13-16 and 20-22** of this application.

5. Specifically, in regard to claim 13, which is directed to a housing for an extractor hood, Chang discloses all of the elements of the amended claim, including at least one ventilator container (smoke exhausting device 21) for containing therein a ventilator device (sucking fan) operable to impart motion to steam and other gaseous fluid; the housing (funnel body 22) serves as a housing for at least part of said ventilator container (smoke exhausting device 21) and the housing (funnel body 22) is operable for receiving and guiding steam and other gaseous fluid to

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said ventilator container (smoke exhausting device 21); said ventilator container (smoke exhausting device 21) arranged at least partly in said housing (funnel body 22); and one section of an external wall of said housing (funnel body 22) is formed by a portion of said ventilator container (the smoke exhausting device 21 contains a top rectangular plate which forms a top section of the funnel body 22 by virtue of its engagement with a recessed projecting edge of the funnel body 22). Refer to Chang, Figure 3; column 1, lines 24-27. Therefore, because all of the elements in claim 13 of this application are disclosed by the Chang reference, this claim is rejected in accordance with 35 U.S.C. 102(b).

6. In regard to claim 14, which depends upon claim 13, Chang further discloses that the section of said external wall of said housing formed by said portion of said ventilator container forms a top section of said housing (the smoke exhausting device 21 contains a top rectangular plate which forms a top section of the funnel body 22 by virtue of its engagement with a recessed projecting edge of the funnel body 22). See Chang, Figure 3; column 1, lines 24-27. Thus, Chang meets the language of this claim.

7. In regard to claim 15, which depends upon claim 13, Chang further discloses that the portion of said ventilator container forming said section of said external wall of said housing is located in the area of an outlet connecting piece of said ventilator container (the top rectangular plate of smoke exhausting device 21, which forms a top section of the funnel body 22, is located adjacent to the circular exhaust outlet connecting piece of the smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27. Consequently, the Chang reference also meets the language set forth in claim 15.

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8. In regard to claim 16, which depends upon claim 13, Chang further discloses that the portion of said ventilator container (smoke exhausting device 21) forming said section of said external wall of said housing (funnel body 22) has the form of a plate (top rectangular plate of smoke exhausting device 21 which is adjacent to the circular exhaust outlet connecting piece). See Chang, Figure 3; column 1, lines 24-27. Therefore, Chang also meets the language set forth in this claim.

9. In regard to claim 20, which depends upon claim 13, Chang further discloses that the housing (funnel body 22) includes a pair of housing walls each of which has a peripheral edge defining the extent of the respective housing wall in one selected direction (each of the two side walls of funnel body 22 has a top peripheral edge) and the peripheral edges of the pair of housing walls being spaced from one another and said ventilator container (smoke exhausting device 21) has an exterior forming portion (top rectangular plate of smoke exhausting device 21) that extends at least partially between the pair of housing walls and that is inwardly of the peripheral edges of the pair of housing walls, said exterior forming portion (top rectangular plate) of said ventilator container (smoke exhausting device 21) forming said one section of an external wall of said housing (funnel body 22). Refer to Chang, Figure 3; column 1, lines 24-27. Thus, Chang meets the language set forth in claim 20.

10. In regard to claim 21, which depends upon claim 20, Chang further discloses that the one ventilator container (smoke exhausting device 21) contains a ventilator device in the form of a fan (sucking fan) operable to impart motion to steam and other gaseous fluid. See Chang, Figure 3; column 1, lines 24-27. Consequently, the Chang reference also meets the language set forth in this claim.

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11. In regard to claim 22, which depends upon claim 20, Chang further discloses that at least one of said housing walls includes a projecting edge for engagement with said exterior forming portion of said ventilator container (funnel body 22 has a recessed projecting edge which engages the peripheral edge of the top rectangular plate of smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27. Therefore, Chang also meets the language set forth in claim 22.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 5,788,565) in view of Lin (CN 1041271 A). These two references, when considered together, teach all of the elements recited in **claims 17-19** of this application.

14. In particular, claim 17 of this application is obvious when Chang is viewed in light of Lin. Chang discloses all of the elements of claim 13, the claim on which this claim depends. Moreover, with respect to claim 17, Chang discloses that the housing (funnel body 22) includes two side walls (the two side walls are disposed on opposite sides of the top rectangular plate of smoke exhausting device 21) and a top section (the top section of the funnel body 22 is substantially co-planar with the top rectangular plate of smoke exhausting device 21). Refer to Chang, Figure 3; column 1, lines 24-27. However, claim 17 of this application further discloses

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that at least one part of one of the side walls forms a section of the top of the housing. Chang does not expressly disclose this additional limitation. Lin, although, teaches a hood (1) wherein a side wall of the hood housing (2) forms a section of the top of the housing (2) for the purpose of minimizing the number of components and simplifying the overall design. Refer to Lin, Figure 1; see also statement of relevance/English abstract provided in Supplemental Information Disclosure Statement (dated 11/13/2006). Therefore, when Chang is viewed in light of Lin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the top section of the hood housing in Chang from at least one part of one of the side walls, as suggested by Lin, in order to minimize the number of components forming the hood thereby simplifying its overall design. See statement of relevance/English abstract provided in Supplemental Information Disclosure Statement (dated 11/13/2006).

15. In regard to claim 18, which depends upon claim 17, Lin further teaches that the side walls of the housing (2) have bent regions at their upper edges (in Figure 1, the bent region of the left side wall is located above the terminal end of the left-hand leader line extending from reference character "2"). Refer to Lin, Figure 1. Thus, when Chang is viewed in light of Lin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide at least one of the side walls of the hood housing in Chang with a bent region at its upper edge, as suggested by Lin, in order to facilitate a housing top section which is formed integrally with at least one side wall thereby minimizing the number of components forming the hood and simplifying its overall design. See statement of relevance/English abstract provided in Supplemental Information Disclosure Statement (dated 11/13/2006).

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16. In regard to claim 19, which depends upon claim 17, Lin further teaches that a part of an area of said side wall which forms said section of said top of said housing (top section of hood housing 2) is in engagement with at least one region of said ventilator container (side plate 8 of the impeller housing 7). Refer to Lin, Figure 1. Consequently, when Chang is viewed in light of Lin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the part of the side wall which forms a top section of the housing in engagement with at least one region of the ventilator container, as suggested by Lin, in order to minimize the number of components forming the hood thereby simplifying its overall design. See statement of relevance/English abstract provided in Supplemental Information Disclosure Statement (dated 11/13/2006).

#### *Response to Arguments*

17. Applicant's arguments with respect to amended independent claim 13 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

18. See attached form PTO-892 for additional pertinent prior art, which was not directly relied upon in this action.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on (571) 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KENNETH RINEHART  
PRIMARY EXAMINER